

## ***Follow-Up Review of National Best Practices***

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### **Executive Summary:**

In October 2019, the Office of Inspector General (“OIG”) prepared this report as a follow up to its 2017 Review of National Best Practices (“2017 Report”). The OIG again examined the LAPD’s progress toward implementing recommendations in two policing “best practices” documents: the Final Report of the President’s Task Force on 21st Century Policing (“21st Century Policing Report”) and the Police Executive Research Forum’s Guiding Principles on Use of Force. In the OIG’s view, the LAPD “made great strides” in implementing the 2017 recommendations, and the OIG used the instant report to discuss successful adoptions of best practices, and further steps the LAPD planned to take, or should take, in the future.

Like the 2017 Report, this follow-up report is divided into seven topics: (1) adopting procedural justice principles; (2) prevention of biased policing; (3) establishing a culture of transparency and accountability; (4) collecting and reporting of data; (5) policies and practices relating to the use of force; (6) stop and search policies; and (7) expanding community policing.

Below is a summary of the LAPD’s progress between 2017 and 2019, for each of the seven topics in the report.

#### **Adopting Procedural Justice Principles**

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy*
- **2017 Report Recommendation:** “The Department shall continue to look at ways to incorporate procedural justice into all aspects of Department process and practice, including development of policies and procedures, evaluation of officers’ performance, and the provision of information to the public.” p 3, pdf pp 5.
  - **Steps LAPD Has Taken:** According to the OIG, since the 2017 Report, the LAPD had “taken a number of important steps to institutionalize and explain the concept of procedural justice across the organization and to hold officers accountable for following its principles.” p 3, pdf pp 5. LAPD:
    - Developed an “ongoing, high-level working group on procedural justice” which includes leadership from the OIG and other offices within the LAPD. *Id.*
    - Distributed a Leadership Brief on the topic of procedural justice to officers. *Id.*
    - Incorporated “procedural justice concepts and associated expectations into employee training courses” for command staff and supervisors. *Id.*
    - Implemented a “procedural justice assessment” as part of review of arrests. p 4, pdf pp 6.
    - Planned to adopt a procedural justice review for supervisors (at the time of the report, this was on hold due to a pending union meet and confer). *Id.*

- Distributed laminated cards to the public to inform them of their rights and obligations to film officers. *Id.*
- **2017 Report Recommendation:** “[E]nsure that historical documents and reports regarding the LAPD, such as reports on the Consent Decree, Christopher Commission, and Rampart Incident, are available on the Department’s website, and that discussion of LAPD’s past is included in Department trainings where appropriate.” p 4, pdf pp 6.
  - **Steps LAPD Has Taken:**
    - Created a page on the LAPD website “entitled ‘Historical Documents and Internal Reports’ that includes a section on the Consent Decree and the Rampart Corruption Scandal.” *Id.* LAPD continues to add to this section. *Id.*
  - **Steps LAPD Should Continue to Take or Begin to Take:**
    - Continue to include discussions about LAPD history, particularly the Consent Decree and other significant incidents, in training courses. *Id.*
- **2017 Report Recommendation:** “[C]ontinue to develop the Police Sciences and Leadership series, ensuring that the program has sufficient staffing and support.” p 5, pdf pp 7.
  - **Steps LAPD Has Taken:**
    - The PSL program provides leadership training to officers at various point after Academy. *Id.* The first phase of PSL training (“PSL I”) launched in 2016, and was provided to officers toward the end of their post-Academy probationary period. *Id.* The OIG found PSL I to be “well aligned with the principles and values” in the best practices documents. *Id.*
    - At the time of the 2017 Report, the LAPD was developing a second phase of the PSL (“PSL II”), which provided training to officers after their third year of tenure. *Id.* The LAPD piloted PSL II twice, and planned to have the training on a monthly basis by late 2019. *Id.*
    - The PSL training now has a devoted unit, compromised of one sergeant, four officers, and two adjuncts from another unit. *Id.*
  - **2017 Report Recommendation:** “[C]onduct an in-depth evaluation of the disciplinary system, to include an employee survey, and identify ways to improve procedural justice internally.” p 5, pdf pp 7.
    - **Steps LAPD Has Taken:**
      - In July 2018, the LAPD launched an “All-Employee Survey” on topics related to procedural justice. *Id.* The Police Chief also “designed a series of Single Purpose Innovation Groups (SPIGs) to focus on conducting comprehensive evaluations of various areas of the Department.” *Id.* An SPIG on the disciplinary process submitted recommendations to the Police Chief “related to increasing fairness and procedural justice across the disciplinary system.” p 6, pdf pp 8. The Police Chief forwarded the recommendations to the Professional Standards Bureau, for “consideration and implementation.” *Id.*
      - The “All-Employee Survey” was repeated in 2019. *Id.*

## **Preventing Biased Policing**

- *Related recommendations from the 21st Century Policing Report are found in Pillar 2: Policy and Oversight and Pillar 5: Training & Education*
- **2017 Report Recommendation:** “[C]onsider having a permanent cadre of training staff assigned to PSL and/or FIP, and continue to ensure that classes are taught by experienced, skilled trainers.” p 7, pdf pp 9.
  - **Steps LAPD Has Taken:**
    - Created a fully-staffed PSL unit, as described in Topic One. *Id.*
    - Sent staff members to “train-the-trainer” policing courses; the Director of Police Training and Education and the head of the Instructional Design Unit also attended. *Id.*
- **2017 Report Recommendation:** “[C]ontinue to implement implicit bias training for officers at all levels, assessing effectiveness of the training on an ongoing basis.” p 7, pdf pp 9.
  - **Steps LAPD Has Taken:**
    - Department-wide implicit bias training in 2017, led by an outside expert. *Id.* A review of the training was published in April 2018—“81 percent of the respondents rated the course favorably[.]” *Id.*
    - Incorporated implicit bias content into other trainings. p 8, pdf pp 10.
- **2017 Report Recommendation:** “[C]ontinue to ensure the selection of training coordinators and Field Training Officers (FTOs) who demonstrate cultural and community sensitivity, as well as a commitment to identifying and reducing the effects of implicit bias.” p 9, pdf pp 11.
  - **Steps LAPD Has Taken:** “[R]evamped and reframed its FTO Update course in an attempt to decrease some of the resistance” from some trainees. *Id.* The OIG was in the process of reviewing the Field Training Officer program and indicated it would present results and recommendations to the Police Commission. *Id.*
- **2017 Report Recommendation:** “[C]onsider how to implement supervisor and agency-level protocols and systems to mitigate implicit bias in officer interactions with the public” and “conduct research on recommended approaches and report back on its findings to the [Police] Commission.” p 9, pdf pp 11.
  - **Steps LAPD Has Taken:**
    - In April 2018, Presented a report to the Police Commission about existing and planned implicit bias trainings. *Id.*
    - Explored opportunities outside of training to address biased policing, such as “emphasiz[ing] . . . procedural justice,” “collecti[ng] stop data,” and develop[ing] community engagement metrics and incentives.” p 10, pdf pp 12.
- **2017 Report Recommendation:** “[C]ontinue to consider ways to incorporate community participation in the development and delivery of training for officers, where relevant.” p 11, pdf pp 13.

- o **Steps LAPD Has Taken:** Community participation is largely incorporated into three trainings: Mental Health Intervention Training, Gang Intervention Awareness Training, and PSL I. *Id.*
- **2017 Report Recommendation:** “The [LAPD] shall expand its policies to include anti-bias language for immigration status, housing status, occupation, and language fluency.” p 12, pdf pp 14.
  - o **Steps LAPD Has Taken:** “While the Department’s current policy is generally well aligned with this recommendation, it did not, at the time of the OIG’s initial report, include the categories of immigration status, housing status, occupation, and language fluency.” *Id.* At the time of the instant report, the LAPD drafted a policy that incorporated the recommended revisions, and would soon present the policy to the Police Commission. *Id.*

### **Establishing a Culture of Transparency and Accountability**

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy, Pillar 2: Policy and Oversight, and Pillar 3: Technology and Social Media.*
- **2017 Report Recommendation:** “[U]pdate and keep current the online version of the Manual of Policies and Procedures, along with an online index of Special Orders by date to show when policies have been changed.” p 13, pdf pp 15.
  - o **Steps LAPD Has Taken:** Created a new section of website titled “Policies and Procedures” which “links to the full Manual and provides links to all Special Orders, Administrative Orders, and Operations Orders dating back to 2015.” *Id.*
- **2017 Report Recommendation:** “[P]ost an up-to-date index of policies and directives that are of interest to the public, including but not limited to policies on: the use of force; use of specific force options; de-escalation; the intake, investigation, and adjudication of personnel complaints; use of body-worn and in-car video cameras and footage; and biased policing.” p 13, pdf pp 15.
  - o **Steps LAPD Has Taken:**
    - Created postings on its website that include its use of force policy and policies on body-worn video and in-car video. *Id.*
    - Separately created a page on its website with details about the complaint process. p 14, pdf pp 16.
  - o **Steps LAPD Should Continue to Take or Begin to Take:** “As noted in the OIG’s initial report, while the Manual contains the Department’s overarching use of force policy, as well its overall policies on the use of deadly and less-lethal force, it does not contain specific standards for the use of each force option, such as the TASER or other less-lethal weapons.” *Id.* Although LAPD had concerns posting these documents due to their sensitivity, LAPD planned to do so by the end of 2019, to comply with SB 978. *Id.*
- **2017 Report Recommendation:** “[C]ontinue to expand and use, where relevant, processes to solicit, gather, and consider feedback from members of the public prior to making significant policy changes.” p 14, pdf pp 16.

- **Steps LAPD Has Taken:**
  - Expanded methods of soliciting feedback from the public, such as for immigration enforcement procedures, developing a policy for releasing video of critical incidents, and convening special meetings. *Id.*
  - Increased efforts to obtain employee input on policies and procedures, through the Special Purpose Innovation Groups. p 15, pdf pp 17.
- **2017 Report Recommendation:** “[C]ontinue to conduct the community survey on an annual basis, and publish and analyze the results, including year-to-year changes. The Department shall also consider adding additional questions regarding the factors affecting respondents’ answers.” p 15, pdf pp 17.
- **Steps LAPD Has Taken:**
  - The annual survey of LA residents, first conducted in February 2016, was repeated in March/April 2018. *Id.*
  - Explored other options for collecting responses from the public, such as partnering with the “Thomas and Dorothy Leavey Center for the Study of Los Angeles (StudyLA) at Loyola Marymount University to conduct a multi-faceted public sentiment survey.” *Id.* The project was slated to begin in late 2019. p 16, pdf pp 18.

#### **Collection and Reporting of Data**

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy and Pillar 2: Policy and Oversight.*
- **2017 Report Recommendation:** “[R]esume online publication of statistical data on stops, arrests, complaints, and other activity. It shall also continue to expand its open data access and update its Police Data Initiative datasets.” p 16, pdf pp 18.
- **Steps LAPD Has Taken:** After the OIG discovered some LAPD reports had been discontinued, the LAPD took several steps in response:
  - Published a monthly “Public Contacts Snapshot,’ which includes general monthly Department totals for the number of stops/detentions, calls for service, arrests, and uses of force.” *Id.*
  - Resumed publication of the Quarterly Discipline Report. *Id.*
  - Shared raw data on crime reports, calls for service, arrests, stops/detentions, and traffic collisions on the Open Data website. p 17, pdf pp 19.
  - Shared copies of information it releases as part of CA Public Records Act requests on its NextRequest website. *Id.*
- **Steps LAPD Should Continue to Take or Begin to Take:** With regard to the raw data LAPD has begun to share, “the OIG noted that the fields currently in use have not been expanded to include the additional stop data being collected pursuant to California AB 953 . . . As the majority of this data is considered to be a public record, the OIG recommends that the Department continue to work to ensure that the full dataset is posted online.” *Id.*

- **2017 Report Recommendation:** “[R]equire that all uses of less-lethal weapons against a person are reported and included in the use of force tracking database, including those that do not make contact with a person.” p 17, pdf pp 19.
  - **Steps LAPD Has Taken:**
    - “[I]mplemented a policy requiring that all employee reports of less-lethal devices that do not make contact with the targeted individual be forwarded to Critical Incident Review Division (CIRD) for tracking and analysis.” p 18, pdf pp 20. These reports will also be sent to the Critical Incident Review Division for “tracking and analysis,” and to the In-Service Training Division “for the issuance of less-lethal rounds and ammunition.” *Id.*
    - Established a Force Options Training Unit “that focuses specifically on non-lethal and less-lethal use of force equipment and issues.” *Id.*
  - **Steps LAPD Should Continue to Take or Begin to Take:** “Given the apparently small number of [cases involving non-contact uses of less-lethal devices], the OIG continues to recommend that non-contact uses of a less-lethal weapon be reported and analyzed in the same manner as contact uses of the same devices.” *Id.*
- **2017 Report Recommendation:** “[C]ontinue to develop a plan to implement the requirements of AB 953. In doing so, it should consider whether there are additional data fields that might be useful for LAPD purposes.” p 18, pdf pp 20.
  - **Steps LAPD Should Continue to Take or Begin to Take:** AB 953 (the Racial and Identity Profiling Act of 2015, or RIPA), did not take effect on the LAPD until July 2018. *Id.* The law “significantly expanded the amount of stop data gathered by the [LAPD].” *Id.* The OIG recommends the LAPD “consider whether additional fields might be useful for . . . possible areas of consideration” such as type of stop, homeless status, local ordinances, or whether the officer asked if the person stopped in on parole or probation. p 19-20, pdf pp 21-22.
- **2017 Report Recommendation:** “[D]evelop, in consultation with the Commission and the OIG, systems and mechanisms for the analysis of stop and search data to identify potential disparate treatment, implicit or explicit bias, differential enforcement practices, or Fourth Amendment concerns. As part of this process, [the LAPD] should present the findings of the recent evaluation of the TEAMS II Early Warning System to the Commission and discuss the extent to which stop data could be incorporated into its framework, along with other tools for analysis.” p 20, pdf pp 22.
  - **Steps LAPD Should Continue to Take or Begin to Take:** Continue to consider options of analyzing stop data that is collected. *Id.*

### Use of Force

- *Related recommendations from the 21st Century Policing Report are found in Pillar 2: Policy and Oversight and Pillar 4: Community Policing and Crime Reduction.*
- **2017 Report Recommendation:** “[T]rain officers to render aid to subjects following a use of force when safe to do so” and “ensure, on an ongoing basis, that officers are up-to-date in CPR and First Aid training as required by California law.” p 21, pdf pp 23.

- **Steps LAPD Has Taken:** “Since the publication of the OIG’s report, the Department worked with the City Attorney’s Office and other stakeholders to develop a training bulletin on the topic of rendering aid, which was published on August 20, 2019.” p 22, pdf pp 24. LAPD indicated that it is in compliance with State training mandates. *Id.*
- **2017 Report Recommendation:** “[C]ontinue to explore ways to educate families of persons with mental health conditions on communicating with the call-takers and the police, including the development of trainings or forums.” p 22, pdf pp 24.
  - **Steps LAPD Has Taken:** The LAPD “has been engaged in an intensive effort to significantly increase the capacity and effectiveness of its response to persons in behavioral crisis,” through mental health intervention training, more family outreach, more frequent community meetings, and utilizing a mental health crisis response program advisory committee. p 23, pdf pp 25.
- **2017 Report Recommendation:** “The [LAPD] should complete a draft of the Non-Categorical Use of Force policy revisions adopted by the Commission in 2013 and present it to the Commission for approval. As recommended in the OIG’s 2013 Follow-Up Report, it should also evaluate the possibility of using body-worn cameras to record non-employee witness interviews during a Level II Non-Categorical Use of Force. The findings of this review should also be presented to the Commission for its review.” p 23, pdf pp 25.
  - **Steps LAPD Has Taken:** “Since the OIG’s initial report, the Department has finalized two Special Orders relating to the NCUOF [Non-Categorical Use of Force] investigation process.” p 24, pdf pp 26.
  - **Steps LAPD Should Continue to Take or Begin to Take:** While the majority of policy recommendations from OIG have been adopted, “[t]wo additional recommendations – which concern obtaining independent statements from officers and clarifying the NCUOF classification standards – remain under review as part of the Department’s broader revision of the NCUOF process.” *Id.*

### **Policies on Stops and Searches**

- *Related recommendations from the 21st Century Policing Report are found in Pillar 2: Policy and Oversight.*
- **2017 Report Recommendation:** “[C]ontinue to reinforce and hold officers accountable for requirements that they identify themselves during a stop, provide a business card, and explain the reason for the stop.” p 25, pdf pp 27.
  - **Steps LAPD Has Taken:** The 2017 Report prompted the LAPD to remind personnel of the policy that requires officers to “provide a business card to those they have detained and released without a citation or arrest, and that, for stops that are documented in the stop data system, the business card include the date and time of the stop as well as the last four digits of the related incident number.” *Id.* At the time of the instant report, the LAPD was “reviewing how best to apply and enforce the business card policy, and [was] currently working to finalize a change in language that will require officers to ‘offer’ a business card rather than to ‘provide’ it.” *Id.*

## **Community Policing**

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy and Pillar 4: Community Policing & Crime Reduction.*
- **2017 Report Recommendation:** “[C]ontinue to evaluate deployment practices to ensure that there is sufficient time for officers to engage in community engagement and partnership.” p 26, pdf pp 28. Additionally, the LAPD “should explore ways to measure and incentivize activities associated with community policing” and then return to the Commission in 90 days to present its findings and proposed action on this topic.” *Id.*
  - **Steps LAPD Has Taken:** The LAPD “has developed a number of planned initiatives designed to increase and incentivize community engagement while more accurately tracking deployment patterns and time available to officers to engage in such activities.” *Id.*
    - Updated the “Computer-Aided Dispatch (CAD) system” which “tracks officers’ activities and statuses in real time, including assignment and response to radio calls, officer-initiated activities, and . . . has also been designed to capture community engagement time.” *Id.*
    - Began to conduct a “detailed evaluation of CSP [Community Safety Program], which is currently the [LAPD’s] most significant community policing initiative.” p 27, pdf pp 29.
    - Planned revisions to COMPSTAT community engagement statistics tracking. *Id.*
    - Kept more records of “the number of juveniles who, in lieu of being formally arrested, receive referrals to community diversion programs that are focused on restorative justice.” *Id.*
    - Explored strategies to “explicitly incorporate community policing values and concepts into various aspects of Area-level operations.” p 28, pdf pp 30.
  - **Steps LAPD Should Continue to Take or Begin to Take:** “As many of the initiatives discussed here are still in the planning stages, the OIG will continue to track their progress and implementation.” *Id.*